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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

INA AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA

Plaintiff,

vs.

STEVEN CARROLL DEMOCKER

Defendant.

No. P1300CR20081339

RESPONSE TO STATE'S MOTION TO
DISMISS

COMES NOW THE DEFENDANT, by and through his attorney undersigned, and respectfully files this Response to the State's Motion to Dismiss.

MEMORANDUM

Defendant has no objection to the State's Motion to Dismiss with the understanding that it has no effect on previous rulings issued in this case. This cause number has been re-indicted, along with additional charges, under the new cause number of P1300CR201001325. It is the Defendant's position that re-indicting the same charges into a new cause number does not have the effect of vacating all previous rulings issued in the case. Absent a showing of good cause, those rulings remain in place. Rule 16.1(d), Ariz. R. Crim. Proc.

Rule 16.1, Ariz. R. Crim. Proc. and the "law of the case" doctrine generally prohibit, absent a showing of good cause, a trial court from re-litigating previously ruled upon motions. "The law of the case doctrine reflects the need for an end to litigation and

1 a final decision that parties can rely on.” *State v. King*, 180 Ariz. 268, 279, 883 P.2d
2 1024, 1035 (1994). Re-litigating previously ruled upon motions wastes judicial resources
3 and encourages judge shopping. *State ex rel. Romley v. Superior Court*, 183 Ariz. 139,
4 142, 901 P. 2d 1169, 1172 (App. 1995). The practice of seeking what amounts to
5 “horizontal review” has been consistently criticized and disapproved. *State v. Rodriguez*,
6 160 Ariz. 381, 384, 773 P.2d 486, 489 (App. 1989). Numerous rulings have been made
7 on numerous issues in this matter. Re-litigating these issues would have a huge impact
8 on time and judicial resources. Absent a showing of good cause, previous rulings and
9 orders should not be vacated because the state chose to re-indict the same charge with
10 additional charges. With that understanding, the Defendant has no objection to the
11 State’s Motion to Dismiss.

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13 Respectfully submitted this 21 day of April, 2011.

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By 
Gregory T. Parzych

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17 Original of the foregoing pleading
18 filed this 21 day
of April, 2011, to:

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19 Clerk of Court
Yavapai County Superior Court
120 South Cortez St.
20 Prescott, Arizona 86303

21 Copy of the foregoing pleading
22 mailed this 21 day
of April, 2011, to:

23 The Honorable Warren R. Darrow
Jeffrey Paupore, Office of the Yavapai County Attorney

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By 
Gregory T. Parzych

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